



4. Defendant DEPARTMENT OF JUSTICE is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

#### **JURISDICTION AND VENUE**

5. This case is brought under 5 U.S.C. § 552(a)(4)(B) and presents a federal question conferring jurisdiction on this Court. *See* 28 U.S.C. § 552.

6. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

#### **MAY 29, 2019, FOIA REQUEST**

7. On May 29, 2019, EDDINGTON submitted a FOIA request to FBI for all records pertaining to various entities, such as information technology services, press freedom organizations, and two named Russian nationals. Exhibit A.

8. On June 4, 2019, the FBI acknowledged receipt of the request. The FBI broke up the request and assigned Request No. 1438298-000 specifically to records concerning Lavabit. Exhibit B.

9. In that same letter FBI also claimed that they were “unable to identify law enforcement and/or administrative records responsive to [his] request” and closed the request. Exhibit B.

10. On June 12, 2019, EDDINGTON submitted an appeal to DOJ challenging the adequacy of the FBI’s search. EDDINGTON also requested expedited processing for the appeal. Exhibit C.

11. On June 18, 2019, DOJ acknowledged receipt of series of appeals and assigned reference number DOJ-AP-2019-005357 to the matter. DOJ also denied expedited processing of the appeal. Exhibit D.

12. On July 16, 2019, FBI affirmed its denial on DOJ-AP-2019-005357. Exhibit E.

13. As of the date of this filing, FBI has not conducted a cross reference search and has produced no records responsive to the Lavabit request.

**COUNT I –FBI VIOLATION OF FOIA**

- 14. The above paragraphs are incorporated herein.
- 15. Defendants are agencies subject to FOIA.
- 16. The requested records are not exempt under FOIA.
- 17. Defendants have failed to produce the requested records.

**WHEREFORE,** Plaintiff asks the Court to:

- i. Order Defendants to conduct a reasonable search for records and to produce all non-exempt requested records;
- ii. Award Plaintiff's attorney fees and costs; and
- iii. Enter any other relief the Court deems appropriate.

Dated: November 18, 2019

Respectfully Submitted,

/s/ Joshua Hart Burday

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